

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CHRISTOPHER MCCULLOUGH,
#174 909

Petitioner,

v.

DANIEL JONES, WARDEN, *et al.*,

Respondents.

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3:07-CV-71-WHA

ORDER

On February 22, 2007 the court directed Petitioner to show cause why his application for habeas relief should not be denied as it was not filed within the one-year limitation period established by 28 U.S.C. § 2244(d)(1). On March 13, 2007 Petitioner filed his response to that order. Upon review of Petitioner's response, the court understands him to contend that he is entitled to equitable tolling of the statute of limitations because he did not receive notice of the trial court's denial of his Rule 32 petition until December 1, 2006. Petitioner maintains that he only received such information after writing a letter to the circuit clerk for information regarding the status of his Rule 32 petition. (*See* Doc. Nos. 1 and 13.)

Upon consideration of Petitioner's response, it is

ORDERED that on or before April 12, 2007 Respondents shall file a supplemental answer addressing Petitioner's contention that he is entitled to equitable tolling because he did not receive timely notice of the trial court's denial of his Rule 32 petition. Respondents' supplemental answer should include any and all documents, records, mail logs, docket sheets,

etc., maintained in the ordinary course of business at Petitioner's place of incarceration at/around the time the trial court's ruling was issued and/ or at the Circuit Court for Chambers County, concerning whether or not, and when, notice of the trial court's decision on Petitioner's Rule 32 petition was mailed to him.

DONE, this 15th day of March 2007.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE